

24 January 1951

MEMORANDUM FOR THE DISTRICT ENGINEER

SUBJECT: Reactivation of Fort Huachuca

1. Receipt of copy of the attached memorandum prompted us to make an investigation of the status of the two 500,000-gallon elevated water tanks and related pipe referred to, the results of which are given.

2. The records show that the two tanks, identified as T-5165 and T-12002, together with all water distribution systems, were declared surplus by this office to War Assets Administration. The tanks and pipe were part of the improvements which, together with a large portion of the reservation, were conveyed to the State of Arizona by WAA in a deed dated 2 March 1949 for use in connection with National Guard purposes. A correction deed, drawn by the Division Engineer and executed by the Secretary of the Army dated 13 April 1950, was prepared primarily for the purpose of correcting description of the land conveyed in the original deed. The records show that in the list of improvements in said correction deed, one of the tanks, T-12002, was omitted.

3. We were advised, in a telephonic conversation with representatives of General Services Administration 22 January 1951, that WAA and its successor cleared their records of all real and personal property at Fort Huachuca by the issuance of the first deed dated 2 March 1949, and that they took no disposal action whatsoever subsequent to the issuance of said deed. Under existing regulations, any correction to deeds issued by the disposal agency must be made by the original owning agency, which accounts for the fact that the said correction deed was prepared, executed and distributed by the Corps of Engineers.

4. It is our opinion that the omission of tank T-12002 is a typographical error. However, the fact remains that it is omitted from the correction deed which is the document by which the water tank, distribution system, land, and other items were conveyed to the State of Arizona.

5. It was confirmed, in a telephonic conversation with Mr. Atkinson in Phoenix that the State of Arizona sold the tanks and described pipe to Mr. Beckert. There is a provision on page 13 of the correction deed which, quoted below, is the authority by which the State sold the described items:

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- "2. The party of the second part will not sell, lease, or otherwise dispose of, any of the premises above described within 20 years from the date of this conveyance, without first obtaining the written authorization of the Administrator, or his successor in function, to such sale, lease, or other disposal;

Provided, however, that any obsolete or surplus material resulting from re-location of the utility lines necessary to provide maximum efficiency in the operation of utility services may be sold without prior written authorization; and provided further that in so far as not inconsistent with the needs of any civilian component of the Armed Forces, areas lying within the artillery range may be outleased for livestock grazing purposes for limited periods of time within each year, and buildings or betterments lying within areas numbered 1 to 6 inclusive and in area 18 of the Fort Huachuca Military Reservation portion of the property may be outleased upon condition that the receipts of any such sale or outlease shall be paid into the State National Guard Fund and shall be used solely and exclusively for the maintenance and operation of the property herein conveyed."

6. This recommendation is made:

If there is a directive authorizing this office to acquire the right to use Fort Huachuca for the Air Force, or if action has been taken to acquire such right, and if it is determined that the tanks and described water pipes and fittings are necessary in the occupation of the reservation by the Air Force, and later by the Army, quick action should be taken to re-acquire subject items.

7. With reference to memorandum 23 January 1951 from Chief, Design Branch, same subject, it is evident that Building T-8061 was sold by the State under the same provision as quoted above, relating to the sale of water tanks. It is apparent that the purchaser of Building T-8061 did not remove Building T-8061 within the time limit called for in the State's sale contract. It is recommended that if said building is needed, action be taken to request the State to stop the School District from removing the building and reclaim same.

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5. With reference to the removal of gas services, it is believed that there are no redemptive possibilities regardless of whether the Gas Company purchased same from the State or from WAA.

2 Inclosures:

- #1 - By Memo 19 Jan. 51
Chief, Design Branch
- #2 - Memo 23 Jan. 51 Chief,
Design Branch

HAROLD E. SPICKARD
Chief, Real Estate Division

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cc: Chief, Engineering Division (2))
Chief, Acquisition Branch)
Chief, Appraisal Branch) w/cys Incls.
Chief, Phoenix R.E. Field Office)